

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Marc Carter

(b) County of Residence of First Listed Plaintiff Philadelphia, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

David B. Sherman, Esquire, Solomon, Sherman & Gabay, 8 Penn Center, 1628 JFK Blvd., Suite 2200, Phila., PA 19102; 215-665-1100

DEFENDANTS

Jim Robson Trucking, LLC and
James Robson

County of Residence of First Listed Defendant Athens, OH
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Louis E. Bricklin, Bennett, Bricklin & Saltzburg, LLC, 1601 Market Street, 16th Floor, Philadelphia, PA 19103 (215) 561-4300

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332, 1441 and 1446

Brief description of cause:
Motor Vehicle Accident

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

APPENDIX I

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CASE MANAGEMENT TRACK DESIGNATION FORM**

MARC CARTER :

v. :

JIM ROBSON TRUCKING, LLC : **NO:**

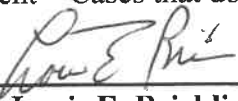
and JAMES ROBSON :

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

6/26/2018
Date


Louis E. Bricklin
Attorney for Defendants

Jim Robson Trucking, LLC and
James Robson

(215) 561-4300
Telephone

(215) 561-6661
FAX Number

bricklin@bbs-law.com
E-Mail Address

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

MARC CARTER

v.

JIM ROBSON TRUCKING, LLC
and JAMES ROBSON

:
:
:
:
:
:
:

No.

NOTICE OF REMOVAL

AND NOW, come the defendants, James Robson and Jim Robson Trucking, LLC [hereinafter collectively 'Defendants'], for the purpose only of filing a notice of removal of this case to the United States District Court for the Eastern District of Pennsylvania and respectfully aver as follows:

1. This is a civil action which was filed in the Court of Common Pleas of Philadelphia County, June Term, 2018, No. 00119.

2. The action was initiated by a complaint filed on June 4, 2018. A copy of the complaint is attached hereto as Exhibit "A."

3. Defendants first received a copy of the complaint by accepting service of same on June 25, 2018.

4. Plaintiff is a citizen of the Commonwealth of Pennsylvania.

5. James Robson is a citizen of Ohio. Jim Robson Trucking, LLC is a Limited Liability Company formed under the laws of the state of Ohio and all of its members are citizens of the state of Ohio.

6. Defendants are citizens Ohio and plaintiff is a citizen of Pennsylvania. Complete diversity existed between the parties both at the time of the filing of the complaint and at the time of the filing of this notice of removal.

8. The amount in controversy in this matter is in excess of Seventy-Five Thousand Dollars (\$75,000) exclusive of interest and costs, in that plaintiff claims that he sustained pain and suffering resulting from the following serious personal injuries: a cervical fracture, fractured ribs, collapsed lung, concussion and other injuries together with loss of life's enjoyment and deprivation of his normal mode of living and that these losses will continue in the future.

9. 28 U.S.C. §1446(b) provides that:

The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

10. Defendants file this Notice of Removal pursuant to 28 U.S.C. §1446(b).

11. This notice of removal was filed within 30 days of defendants' receipt of plaintiff's complaint.

12. The averments made herein are true and correct with respect to the date upon which plaintiff filed his complaint and the date upon which defendants received plaintiff's complaint and filed this notice of removal.

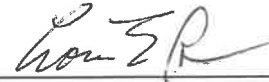
13. Defendants have simultaneously with the filing of this notice of removal given written notice to plaintiff.

14. Defendants are filing a copy of the instant Notice of Removal and all attachments thereto with the Prothonotary of the Court of Common Pleas of Philadelphia County.

WHEREFORE, Defendants James Robson and Jim Robson Trucking, LLC hereby removes this suit to this Honorable Court pursuant to the laws of the United States.

BENNETT, BRICKLIN & SALTZBURG LLC

BY:



LOUIS E. BRICKLIN

I.D. No. 20281

1601 Market Street, 16th floor

Philadelphia, PA 19103

(215) 561-4300 – Telephone

(215) 561- 6661 - Facsimile

bricklin@bbs-law.com

Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

MARC CARTER	:	
	:	
v.	:	
	:	No.
JIM ROBSON TRUCKING, LLC	:	
and JAMES ROBSON	:	


NOTICE TO PLAINTIFF

TO: Marc Carter
c/o David B. Sherman, Esquire
Solomon, Sherman & Gabay
8 Penn Center, Suite 2200
1628 JFK Boulevard
Philadelphia, PA 19103

Please take notice that defendants, James Robson and Jim Robson Trucking, LLC by their attorneys Bennett, Bricklin & Saltzburg LLC, have filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania regarding an action previously pending in the Court of Common Pleas of Philadelphia County, June Term, 2018, No. 00119 captioned Marc Carter v. Jim Robson Trucking, LLC and James Robson.

BENNETT, BRICKLIN & SALTZBURG LLC

BY:



LOUIS E. BRICKLIN
I.D. No. 20281
1601 Market Street, 16th floor
Philadelphia, PA 19103
(215) 561-4300 – Telephone
(215) 561- 6661 - Facsimile
bricklin@bbs-law.com
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

MARC CARTER :
 :
 v. :
 : No.
JIM ROBSON TRUCKING, LLC :
and JAMES ROBSON :

PROOF OF FILING

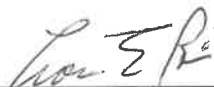
COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF PHILDELPHIA :

Louis E. Bricklin being duly sworn according to law, deposes and says that he is a member in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendants, James Robson and Jim Robson Trucking, LLC and that he did direct the filing with the Prothonotary of the Court of Common Pleas of Philadelphia County a copy of the Notice of Removal attached hereto, said filing to be made on June 27, 2018.

BENNETT, BRICKLIN & SALTZBURG LLC

BY:

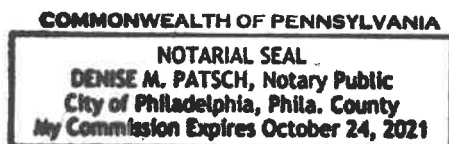


LOUIS E. BRICKLIN
I.D. No. 20281
1601 Market Street, 16th floor
Philadelphia, PA 19103
(215) 561-4300 – Telephone
(215) 561- 6661 - Facsimile
bricklin@bbs-law.com
Attorney for Defendants

Sworn to and subscribed to
me on this 27th day
of June, 2018



NOTARY PUBLIC



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

MARC CARTER

v.

JIM ROBSON TRUCKING, LLC
and JAMES ROBSON

:
:
:
: No.

PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :

§

COUNTY OF PHILADELPHIA :

Louis E. Bricklin, after being first duly sworn upon oath, deposes and says that he is a member in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for the defendants, James Robson and Jim Robson Trucking, LLC, and that he did serve on June 27, 2018 the aforementioned Notice to Plaintiffs upon the individual named below via email and electronic service through the Court of Common Pleas of Philadelphia County.

Marc Carter
c/o David B. Sherman, Esquire
Solomon, Sherman & Gabay
8 Penn Center, Suite 2200
1628 JFK Boulevard
Philadelphia, PA 19103

BENNETT, BRICKLIN & SALTZBURG LLC

BY:


LOUIS E. BRICKLIN

I.D. No. 20281
1601 Market Street, 16th Floor
Philadelphia, PA 19103
P: (215) 561-4300
F: (215) 561-6661
bricklin@bbs-law.com

Sworn to and subscribed
before me this 27th day

of June, 2011


NOTARY PUBLIC

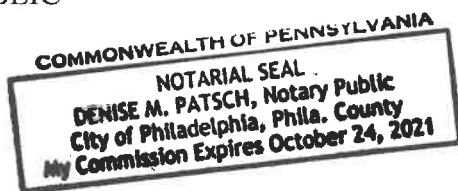


EXHIBIT “A”

06/04/2018 16:23

(FAX)

P.002/011

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

		For Prothonotary Use Only (Docket Number)	
		JUNE 2018 E-Filed Number: 1806004377	
PLAINTIFF'S NAME MARC CARTER		DEFENDANT'S NAME JIM ROBSON TRUCKING, LLC	
PLAINTIFF'S ADDRESS 1622 S. 52ND STREET PHILADELPHIA PA 19143		DEFENDANT'S ADDRESS 15460 ST. SR 691 NELSONVILLE OH 45764	
PLAINTIFF'S NAME		DEFENDANT'S NAME JAMES ROBSON	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 15460 ST. SR 691 NELSONVILLE OH 45764	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Actions <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <div style="text-align: center;"> FILED PRO PROTHY JUN 04 2018 A. SILIGRINI </div>			IS CASE SUBJECT TO COORDINATION ORDER? YES NO
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>MARC CARTER</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF/PETITIONER/APPELLANT'S ATTORNEY DAVID B. SHERMAN		ADDRESS 8 PENN CENTER 1628 JFK BOULEVARD SUITE 2200 PHILADELPHIA PA 19103	
PHONE NUMBER (215) 665-1100	FAX NUMBER (215) 665-8471		
SUPREME COURT IDENTIFICATION NO. 36437		E-MAIL ADDRESS tdicostanza@solomonsherman.com	
SIGNATURE OF FILING ATTORNEY OR PARTY DAVID SHERMAN		DATE SUBMITTED Monday, June 04, 2018, 01:59 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

06/04/2018 16:23

(FAX)

P.003/011

SOLOMON, SHERMAN & GABAY
 DAVID B. SHERMAN
 Identification No. 36437
 RYAN D. BRISKIN
 Identification No. 205432
 8 Penn Center
 1628 J.F.K. Boulevard
 Suite 2200
 Philadelphia, PA 19103
 (215) 665-1100



MARC CARTER
 1622 S. 52nd Street
 Philadelphia, PA 19143
 vs.

Attorneys for Plaintiff

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY

JUNE TERM, 2018

JIM ROBSON TRUCKING, LLC
 15460 St. SR 691
 Nelsonville, OH 45764
 And
 JAMES ROBSON
 15460 St. SR 691
 Nelsonville, OH 45764

NO.:

06/04/2018 16:23

(FAX)

P.004/011

NOTICE TO DEFEND**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with this court your defenses objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGALHELP.
**PHILADELPHIA BAR ASSOCIATION
 LAWYER REFERENCE SERVICE
 ONE READING CENTER
 PHILADELPHIA, PA 19107
 (215) 238-1701**

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede dedidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**ASOCIACION DE LICENCIADOS DE
 FILADELPHIA**

**Servicio De Referencia E Informacion
 Legal**

**One Reading Center
 Filadelfia, PA 19107
 Telefono: (215) 238-1701**

06/04/2018 16:23

(FAX)

P.005/011

SOLOMON, SHERMAN & GABAY
DAVID B. SHERMAN
 Identification No. 36437
RYAN D. BRISKIN
 Identification No. 205432
 8 Penn Center
 1628 J.F.K. Boulevard
 Suite 2200
 Philadelphia, PA 19103
 (215) 665-1100

Attorneys for Plaintiff

MARC CARTER
 1622 S. 52nd Street
 Philadelphia, PA 19143
 vs.

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY

JUNE TERM, 2018

JIM ROBSON TRUCKING, LLC
 15460 St. SR 691
 Nelsonville, OH 45764
 And
 JAMES ROBSON
 15460 St. SR 691
 Nelsonville, OH 45764

NO.:

COMPLAINT – CIVIL ACTION
2V – Motor Vehicle

1. Plaintiff, Marc Carter, is an adult individual residing at the above stated address and at all times pertinent hereto was the operator of the Chevrolet motor vehicle involved in the motor vehicle accident to be described more fully hereinafter.

2. Defendant, Jim Robson Trucking, LLC, is a corporation and/or other similar business entity with offices and/or principal place of business located at the above stated address and at all pertinent times hereto was the owner of the Kenworth Truck involved in the motor vehicle to be described more fully hereinafter.

3. Defendant, James Robson, is an adult individual residing at or having a usual place of business located at the above-stated address and at all times pertinent hereto was the operator of the Kenworth Truck involved in the motor vehicle accident to be described more fully hereinafter.

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(FAX)

P.006/011

4. At all times pertinent hereto, all of the acts and omissions of the Defendants were committed by the Defendants and/or through their agents, workmen, servants and/or employees and/or by others with whom the Defendants had control or authority.

5. At all times relevant hereto, the above-named Defendants were the owners, managers, possessors and controllers of the Kenworth Truck involved in the motor vehicle accident to be described more fully hereinafter.

6. At all times relevant hereto, the vehicle owned by Defendants was operated and/or controlled by an agent, servant, workman and/or employee of Defendants.

7. At all pertinent times hereto, all of the Defendants had given permission and/or authority to Defendant James Robson to operate the Kenworth Truck involved in the motor vehicle accident to be described more fully hereinafter.

8. On or about October 17, 2016, Plaintiff, Marc Carter, was operating the aforementioned Chevrolet motor vehicle, eastbound on Interstate 76, in the City of Philadelphia, Commonwealth of Pennsylvania, when, suddenly and without warning, Defendant, James Robson, who was operating the aforementioned Kenworth Truck owned by Defendant, Jim Robson Trucking, LLC, also eastbound on Interstate 76, operated the aforementioned Kenworth Truck in such a negligent, careless and reckless manner as to cause said vehicle to strike in the rear the motor vehicle Plaintiff was travelling in, causing severe personal injuries to Plaintiff, Marc Carter.

9. The aforementioned collision was caused by the negligence of the Defendants and did not result from any act or omission of the Plaintiff.

10. At all times pertinent hereto, the Defendants through their agents,

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(FAX)

P.007/011

servants, workmen and/or employees had the opportunity to take appropriate action and prevent the motor vehicle accident described herein above.

11. At all times pertinent hereto, Defendant, James Robson, at the time of the motor vehicle accident, was acting in the course and scope of his employment with Defendant, Jim Robson Trucking, LLC, in furtherance and for the benefit of his employer Defendant Jim Robson Trucking, LLC.

COUNT I
PLAINTIFF, MARC CARTER vs. DEFENDANT, JAMES ROBSON

12. Plaintiff, Marc Carter, hereby incorporates by reference paragraphs 1 through 11 as though the same were fully set forth at length herein.

13. The Defendants are liable for the injuries and damages suffered by the Plaintiff, Marc Carter.

14. At all times pertinent hereto, all of the acts and omissions of Defendants were committed by the Defendants or through their agents, workmen, servants and/or employees and/or by others with whom the Defendants had control or authority.

15. Plaintiff, Marc Carter, avers that the aforesaid motor vehicle accident was caused by the carelessness, recklessness and negligence of the Defendant, James Robson, which consisted of the following:

- (a) Operating said motor vehicle at an excessive rate of speed;
- (b) failing to have said motor vehicle under proper and adequate control;
- (c) operating said motor vehicle without due regards for the rights, safety and position of the Plaintiff;
- (d) operating said vehicle in a careless, reckless, and negligent manner;

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(FAX)

P.008/011

- (e) failing to keep a proper lookout;
- (f) failing to avoid said accident;
- (g) failing to properly inspect said vehicle;
- (h) failing to properly maintain said vehicle;
- (i) failing to insure the skill and competence of the operator of said vehicle;
- (j) violating the ordinances, statutes, and regulations of City of Philadelphia and State of Pennsylvania relating to the operation of said vehicle highways; and
- (k) in other respects as may be pointed out at the time of trial.

16. As a result of the aforesaid accident, Plaintiff, Marc Carter, suffered severe and permanent injuries to his head, back, neck, ribs, lungs, head and surrounding body parts, including, but not limited to, a cervical fracture, fractured ribs, collapsed lung, concussion and other injuries both known and unknown, all or some of which caused him great pain, suffering and agony, loss of life's enjoyment and deprivation of his normal mode of living, and will continue to do so in the future.

17. As a result of the aforesaid injuries, Plaintiff, Marc Carter, has incurred medical and other expenses in treating himself and may be obliged to incur additional expenses in the future to his great financial detriment and loss.

18. As a further result of the aforesaid motor vehicle accident and injury, Plaintiff, Marc Carter, was obliged to incur various necessary and reasonable medical expenditures in treating himself and may be obliged to incur such additional expenses into the future to his great financial detriment and loss.

19. As a further result of the aforesaid accident and injuries, Plaintiff, Marc

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Carter, has suffered permanent injury, serious impairment of a bodily function and disability as well as embarrassment, humiliation and loss of life's pleasures.

20. As a further result of the aforesaid motor vehicle accident and injuries, the Plaintiff, Marc Carter, was caused to incur substantial wage loss and earning capacity to his great financial detriment and loss.

WHEREFORE, Plaintiff, Marc Carter, demands judgment against the Defendants jointly and severally, in a sum in excess of Fifty Thousand (\$50,000.00) Dollars.

COUNT II
PLAINTIFF, MARC CARTER vs. DEFENDANT, JIM ROBSON
TRUCKING, LLC

21. Plaintiff, Marc Carter, hereby incorporates by reference paragraphs 1 through 20 as though the same were fully set forth at length herein.

22. The injuries to Plaintiff, Marc Carter, were proximately caused in whole or in part by the negligence and fault of Defendant, Jim Robson Trucking, LLC, owner of the aforementioned Kenworth Truck, without any fault or neglect of Plaintiff contributing thereto.

23. Defendant, James Robson, had permission from Defendant, Jim Robson Trucking, LLC, to operate the Kenworth Truck involved in the motor vehicle accident described herein above.

24. Defendant, Jim Robson Trucking, LLC, breached its duties of care in the following respects, among others:

- (a) By negligently entrusting the operation of the Kenworth Truck to Defendant, James Robson, whom Defendant knew or had reason to know was incompetent, inexperienced or otherwise incapable of safely and properly operating the vehicle in question;

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- (b) By the negligent failure to train and/or negligent training of Defendant, James Robson, in the safe and proper operation of the aforementioned motor vehicle whom Defendant knew or had reason to know was incompetent, inexperienced or otherwise incapable of safely and properly operating the vehicle in question;
- (c) By the negligent failure to supervise and/or negligent supervision of Defendant James Robson's operation of the aforementioned motor vehicle;
- (d) By negligently entrusting the aforementioned motor vehicle to an individual that Defendant knew or should have known was likely to use the vehicle in a manner as to create an unreasonable risk of harm;
- (e) By violating the various provisions of the Restatement (second) of torts, including but not limited to, sections 308, 309 and 390.
- (f) Violating the ordinances, statutes, and regulations of City of Philadelphia and State of Pennsylvania relating to the operation of said vehicle highways;
- (g) By allowing, permitting and authorizing Defendant to operate said motor vehicle without conducting a proper license and/or background check;
- (h) By failing to ensure the skill and competency of its renter; and
- (i) In other respects as may be pointed out at the time of trial.

25. As a result of the aforesaid accident, Plaintiff, Marc Carter, suffered severe and permanent injuries to his head, back, neck, ribs, lungs, head and surrounding

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body parts, including, but not limited to, a cervical fracture, fractured ribs, collapsed lung, concussion and other injuries both known and unknown, all or some of which caused him great pain, suffering and agony, loss of life's enjoyment and deprivation of his normal mode of living, and will continue to do so in the future.

26. As a result of the aforesaid injuries, Plaintiff, Marc Carter, has incurred medical and other expenses in treating himself and may be obliged to incur additional expenses in the future to his great financial detriment and loss.

27. As a further result of the aforesaid motor vehicle accident and injury, Plaintiff, Marc Carter, was obliged to incur various necessary and reasonable medical expenditures in treating himself and may be obliged to incur such additional expenses into the future to his great financial detriment and loss.

28. As a further result of the aforesaid accident and injuries, Plaintiff, Marc Carter, has suffered permanent injury, serious impairment of a bodily function and disability as well as embarrassment, humiliation and loss of life's pleasures.

29. As a further result of the aforesaid motor vehicle accident and injuries, the Plaintiff, Marc Carter, was caused to incur substantial wage loss and earning capacity to his great financial detriment and loss.

WHEREFORE, Plaintiff, Marc Carter, demands judgment against the Defendants jointly and severally, in a sum in excess of Fifty Thousand (\$50,000.00) Dollars.

BY: 

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Dated: June 4, 2018